REMARKS

Applicants respectfully request reconsideration of this application as amended. Claim 10 has been amended to overcome the Examiner's objection. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 8, 9, 17, 18, 26, and 27 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-7, 10-16, 19-25 and 28-30 are now are presented for examination.

35 U.S.C. § 112 Rejection

Claims 10-16 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 10-16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 was amended to overcome the Examiner's rejection. Applicants request the withdrawal of the rejection of claim 10 and its dependent claims.

35 U.S.C. § 102 Rejection

Claims 1-7, 10-16, and 19-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hammersley, U.S. Patent No. 6,618,783 ("Hammersley").

Applicants respectfully disagree with the Examiner's characterization of the references and submit that Hammersley discloses "a method for a first processor that controls I/O traffic of a first PCI bus to acquire and relinquish control of a second PCI bus when a second processor for doing the same becomes inoperative" (col. 8, lines 13-

17). Although Hammersley discloses transferring control of inoperative processors, Hammersley does not teach or reasonably suggest what software or hardware the system uses. Further, Hammersley does not teach or reasonably suggest how the software or hardware is used. For example, Hammersley does not teach or reasonably suggest using a Redundant Host Controller to transfer control, as recited by claim 1.

In contrast, claim 1 recites, "detecting faults via hardware associated with the first processor and the second processor, wherein the hardware includes a Redundant Host Controller; and responsive to an occurrence of a fault in the first processor, transferring control of the first bus to the second processor via hardware associated with the first processor and the second processor, wherein the hardware includes a Redundant Host Controller" (emphasis provided). Accordingly, Applicants respectfully request, for at least the reasons set forth above, the rejection of claim 1 and its dependant claims be withdrawn.

Claims 10 and 19 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the rejection of claims 10 and 19 and their dependant claims be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lanus et al., U.S. Patent No. 6,112,271 ("Lanus") in view of Structured Computer Organization, 3rd Edition by Andrew S. Tanenbaum (Tanenbaum).

Applicants are grateful to the Examiner for acknowledging that "Lanus does not expressly disclose detecting faults via hardware . . . where the hardware includes a Redundant Host Controller" (Office Action, page 6, mailed 10.21.04). Lanus not only does not teach or reasonably suggest using hardware, particularly the Redundant Host

Controller, it teaches away from using hardware (see Figures 5 and 6). Hence, there is not motivation to combine Tanenbaum with Lanus. Further, to the extent Lanus and Tanenbaum are combinable and although Tananbaum discloses "[h]ardware and software are logically equivalent", the Redundant Host Controller is specific hardware used for a specific purpose, such as detection of faults and transfer of control, as recited by claim 1. Accordingly, Applicants respectfully request, for at least the reasons set forth above, the rejection of claim 1 and its dependant claims be withdrawn.

Claims 10 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the rejection of claims 10 and its dependant claims be withdrawn.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
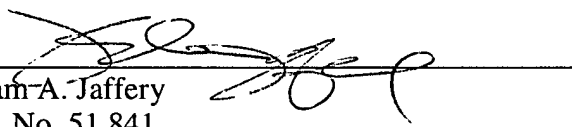
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: <u>December 1, 2004</u>

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